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Letter dated 1 May 2018 from the Secretary-General addressed to the President of the Security Council

Pursuant to the request of the Security Council in paragraph 61 of its resolution 2409 (2018), I have the honour to submit the 30-day update covering the period from 21 March to 26 April 2018 on political and technical progress towards the holding of elections on 23 December 2018 and obstacles to the implementation of the 31 December 2016 political agreement (see annex).

I would be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) António **Guterres**

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Annex

Update of the Secretary-General on progress in the electoral process and implementation of the 31 December 2016 political agreement, 26 April 2018

1. The present update covers developments from 21 March to 26 April 2018 in the Democratic Republic of the Congo and is submitted pursuant to resolution 2409 (2018), in which the Security Council requested the Secretary-General to update it in writing every 30 days on political and technical progress towards the holding of elections on 23 December 2018 and on obstacles to the implementation of the 31 December 2016 political agreement.

I. Key political developments related to the electoral process and implementation of the political agreement

2. The government and other national institutions of the Democratic Republic of the Congo, including the National Council for Monitoring the Agreement and the Electoral Process, took steps to achieve some key electoral benchmarks. On 21 and 29 March and 17 April, the National Council submitted recommendations to the Ministry of the Interior and Security aimed at ending the duplication of some opposition political parties. Subsequently, the government submitted the revised lists of political parties and platforms to the Independent National Electoral Commission, which has yet to publish the final lists of political parties eligible to contest the 23 December 2018 presidential and national and provincial legislative elections. On 27 March, the government sent a draft amendment to the 2015 law on public demonstrations to the National Assembly for review. On 16 April, in Kinshasa, an extraordinary session of the Council of Ministers, chaired by the President of the Democratic Republic of the Congo, Joseph Kabila, adopted the draft bill on the distribution of seats for national, provincial and local elections. According to the electoral calendar, the bill is expected to be promulgated by the President by 8 May, after its adoption by Parliament.

3. Discussions between the main opposition parties aimed at creating new political alliances or platforms continued. Following his election as President of the Union pour la démocratie et le progrès social on 31 March, Felix Tshisekedi announced his intention to be a candidate in the presidential election and expressed his party's willingness to forge political alliances to achieve a democratic transfer of power in December 2018. The Mouvement de libération du Congo and the Union pour la nation congolaise also called on the opposition to coalesce behind a single presidential candidate.

4. A debate emerged regarding nationality and eligibility for elections. The Constitution and laws provide that Congolese nationality is "one and exclusive" and that candidates must be Congolese nationals by origin. On 27 March, the Director of Public Prosecutions, Flory Kabange Numbi, launched an enquiry into the nationality of exiled presidential opposition candidate Moïse Katumbi following reports in the media suggesting that he had held Italian nationality from 2000 to 2017. The identities of several Congolese politicians, including members of Parliament and the government, who are presumed to be dual citizens were published in the media. The Permanent Secretary of the ruling Parti du peuple pour la reconstruction et le démocratie, Emmanuel Ramazani Shadary, called on members of his party who held more than one nationality to abide by the Constitution by regularizing their situation with the Ministry of Justice, failing which they might be barred from running for

office. Supporters of Mr. Katumbi perceived the judicial enquiry into the claim of double nationality as a further attempt by the government to prevent their candidate from participating in the 23 December elections.

II. Key developments related to the implementation of the agreement

Electoral developments

5. On 6 April, the Independent National Electoral Commission published the final voter registry following a review process that removed some 6 million duplicate registrations and individuals who were not old enough to vote from the database. The total number of voters currently stands at 40,287,387, 50 per cent of whom are women. On 10 April, the Commission launched a tender process for the independent audit of the registry in accordance with the electoral calendar. In addition, the Commission finalized an electoral code of conduct for political parties that has been signed by more than 200 political parties, which represents one third of the registered parties. On 17 April, the President of the Commission, Corneille Nangaa, announced that the Commission would launch an audit of the voting machines with a view to addressing concerns raised by some national and international actors regarding their use in the upcoming elections.

6. The lack of a clear disbursement plan for the funding of the Independent National Electoral Commission remains a key challenge. On 28 March, in line with the government's decision to assume full responsibility for financing the electoral process, the Ministry of Finance disbursed $22.6 million to the Commission. However, the Commission has not yet agreed to the revised multi-donor Projet d'appui au cycle électoral au Congo, which amounts to $67 million. That could have an impact on the Commission's ability to undertake its logistical responsibilities and the sensitization of voters, which are areas in which support from the project had been foreseen.

7. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) has begun the second phase of the electoral assistance logistics support plan, which runs from 1 March to 23 December 2018. The plan entails the mobilization of the major assets required for the deployment of non-sensitive and sensitive electoral materials; the recruitment of personnel and their co-location with the Independent National Electoral Commission; and coordination with partners for the timely deployment of assets. MONUSCO is currently preparing a bid solicitation for the procurement of the required air assets and completing an amendment to the existing fuel contract for the supply of additional aviation fuel to support the deployment of electoral materials. The Mission is also conducting site assessments at 3 reception centres and 15 hubs, in anticipation of the deployment of voting materials across 129 sites.

8. It should be noted that, at the time of reporting, MONUSCO had not received an official request from the Independent National Electoral Commission to support the deployment of voting machines. The timeline indicated in the Commission's electoral calendar suggests that the procurement of electoral materials and equipment should have been completed by 16 April 2018. However, the Mission has not yet received clear information regarding the status of the procurement process. The late arrival of electoral materials would reduce the time frame for deployment and require adjustments to the Mission's logistical preparations that could result in increased costs for the Mission.

Restrictions on political space and violence as they relate to the implementation of the agreement in the electoral context

9. Restrictions on political space continued despite a relative decrease in the number of violations of civil and political rights and fundamental freedoms. During the thirty-seventh session of the Human Rights Council, held from 26 February to 23 March 2018, the Minister for Human Rights of the Democratic Republic of the Congo announced that the general ban on political demonstrations would be lifted. However, national security forces repressed peaceful protests held on 26 March by the youth movement Lutte pour le changement in Kindu (Maniema province) and in Beni, Goma and Kasindi (North Kivu province), to demand a stronger mandate for MONUSCO. On 2 April, a peaceful sit-in, organized by civil society members in Tshikapa (Kasai province) was also repressed by the police, who arrested four people, including a journalist. On 7 April, four individuals, including a minor, were arrested and detained in Lubumbashi (Haut-Katanga province) while on their way to attend a political meeting organized by the opposition platform Ensemble pour le changement. On 28 March, in Tshikapa, a journalist was arrested and detained for two days over an article he posted on social media that denounced threats and intimidations against the media by some agents of the provincial government. No political prisoners were released during the period under review. At least 86 political prisoners remain in detention, while some of the political prisoners mentioned in the 31 December 2016 political agreement are yet to be released.

Confidence-building measures

10. At its extraordinary plenary session on the duplication of political parties held on 29 March, the National Council for Monitoring the Agreement and the Electoral Process denied two high-profile political figures, Prime Minister Bruno Tshibala (Union pour la démocratie et le progrès social/Tshibala) and Pierre Lumbi (Mouvement social pour le renouveau/Lumbi) representation of their party. The decision triggered further protests and calls for the resignation of the Chair of the National Council, Joseph Olenghankoy. The extraordinary plenary session was a follow-up to the meeting of 21 March during which the National Council had recommended an end to the duplication of the Group des sept (the "G7") political parties, but recognized the Mouvement social pour le renouveau led by François Rubota (Majorité présidentielle) at the expense of the wing chaired by Pierre Lumbi, on the grounds that the latter had failed to provide the necessary registration documents.

III. Good offices efforts in support of the implementation of the agreement

11. Deep-seated mistrust and suspicion among the key stakeholders regarding the electoral process and the pace of progress in the implementation of the confidence-building measures continue to fuel political tensions. In addition to the need to vigorously pursue efforts to foster a coordinated and coherent approach among the United Nations and regional and international partners in support of elections, the government's mistrust of some key international partners is a significant challenge that needs to be overcome. Against that background, the United Nations continues to use its good offices to promote dialogue among the political actors and encourage the sustained engagement of regional and international partners to help create conditions conducive to the holding of timely, peaceful and credible elections.

12. On 29 March, in Brazzaville, my Special Envoy for the Great Lakes region met the President of the Congo, Denis Sassou Nguesso, in his dual capacity as Chair of

both the International Conference on the Great Lakes Region and the Regional Oversight Mechanism of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Great Lakes region, to exchange views on the electoral process in the Democratic Republic of the Congo and related challenges.

13. During the reporting period, my Special Representative for the Democratic Republic of Congo pursued her consultations with national stakeholders, focusing, inter alia, on support for the organization of credible and inclusive elections. In that regard, she met with the President of the Union pour la démocratie et le progrès social and leader of the opposition coalition Rassemblement, Felix Tshisekedi, on 23 March; the Chief of Staff of the President on 2 April; the Governor of Kinshasa, André Kimbuta, on 4 April 2018; President Kabila on 6 April 2018; the President's Special Adviser on Security, Jean Mbuyu, the Minister in charge of relations with Parliament, Jean-Pierre Lisanga Bonganga, and the Permanent Secretary of the Parti du peuple pour la reconstruction et le démocratie, Emmanuel Ramazani Shadary, on 19 April; and the Vice Prime Minister and Minister for the Interior, Henri Mova Sakanyi, on 20 April. My Special Representative also met with all the ambassadors of member States of the Southern African Development Community accredited to the Democratic Republic of the Congo on 4 April to exchange views on the political, security and electoral situation in the Democratic Republic of the Congo and to highlight the importance of the regional bloc's efforts to address the situation. In addition, she visited Bunia, Ituri province, where she discussed with the provincial authorities the prevailing political and security situation in the province, including efforts to create an environment conducive to the holding of elections there. On 13 April, she visited Beni, North Kivu province, where she had similar discussions with the Mayor of Beni town and the Territorial Administrator of Beni territory.

14. On 24 April, President Kabila attended the Double Troika Summit of Heads of State and Government of the Southern African Development Community in Luanda. Among other regional issues, the Summit's final communiqué urged Congolese political actors to stay committed to the implementation of the electoral calendar, reaffirmed the Community's commitment to supporting upcoming elections and reversed the body's decision to deploy a Special Envoy to the Democratic Republic of the Congo in the light of the progress made towards the holding of elections.

IV. Observations

15. I welcome the progress made towards some key electoral milestones and the commitment shown by the Independent National Electoral Commission to meet the deadlines laid out in the electoral calendar. However, persistent divergences among political stakeholders over the electoral process and the lack of political space remain a threat to the holding of credible and inclusive elections. I call upon the government to take the necessary measures to instil confidence in the electoral process and pave the way for a democratic transfer of power in line with the provisions of the 31 December 2016 political agreement and the Congolese Constitution. Progress in the implementation of confidence-building measures envisaged in the agreement remains essential in order to ease political tensions and create an environment conducive to credible, transparent and inclusive elections. The swift publication by the Independent National Electoral Commission of the list of political parties and platforms would help address existing suspicions and build trust between political actors and the Commission.

16. The legitimate aspirations of the Congolese people can only be achieved through the meaningful and constructive engagement of all stakeholders in the political process. I call on the ruling majority and the opposition to rise above partisan interests

and work towards consolidating democratic practices in the Democratic Republic of the Congo. I encourage the government to ensure a level playing field for all political actors and to take initiatives to increase the number of women running for office. Lifting the ban on public demonstrations would greatly contribute to the opening of political space, thereby allowing the Congolese people to freely exercise their political and civil rights.

17. Key milestones in the electoral process, such as the commencement of the deployment of electoral materials on 12 May, are fast approaching. The positive momentum generated by the publication of the electoral calendar and the timely promulgation of the electoral law may be disrupted if adequate funding is not provided to the Independent National Electoral Commission. I encourage the government to disburse on a regular basis the necessary funds to the Commission. Delayed funding could have an impact on the timely holding of elections and lead to further political tensions.

18. Finally, I encourage international and regional actors to continue providing, in close collaboration with the government, support to the Democratic Republic of the Congo in addressing the political and security challenges it faces. The Democratic Republic of the Congo needs our combined efforts more than ever. I call on the Security Council and partners to spare no effort in supporting initiatives for dialogue and the conduct of elections in a timely manner.